

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

UMG RECORDINGS, INC., CAPITOL ) Case No.: 3:23-cv-06522-MMC  
RECORDS, LLC, CONCORD BICYCLE )  
ASSETS, LLC, CMGI RECORDED MUSIC )  
ASSETS LLC, SONY MUSIC ) [Proposed] Order Denying Defendant  
ENTERTAINMENT, and ARISTA MUSIC ) Kahle/Austin Foundation's Motion to  
Plaintiff(s), ) Dismiss  
vs. )  
INTERNET ARCHIVE, BREWSTER )  
KAHLE, KAHLE/AUSTIN FOUNDATION, )  
GEORGE BLOOD, and GEORGE BLOOD, )  
L.P. )  
Defendant(s). )

Before the Court is Defendant Kahle/Austin Foundation’s (the “Foundation”) Motion to Dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6), ECF No. 78 (the “Motion”). The Motion requests that the claim asserted against it be dismissed without leave to amend for failure to state a claim. After consideration of the briefs and arguments of counsel and all other matters presented, the Court concludes that the Motion should be denied.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Foundation's Motion is  
**DENIED**

**IT IS FURTHER ORDERED** that the Foundation must serve an Answer within fourteen days.

## IT IS SO ORDERED.

Dated:

MAXINE M. CHESNEY  
United States District Judge